

Town Board Minutes

**Meeting
No. 30**

Special Meeting

November 6, 1995

MEETINGS TO DATE 30
NO. OF REGULARS 20
NO. OF SPECIALS 10

LANCASTER, NEW YORK
NOVEMBER 6, 1995

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of November 1995, at 6:00 P.M. and there were

PRESENT: LUCIAN J. GRECO, SUPERVISOR
ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
GEORGE E. O'NEIL, PLANNING BOARD CHAIRMAN
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN P. GOBER, PLANNING BOARD MEMBER
DONNA G. STEPNIAK, PLANNING BOARD MEMBER
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ABSENT: PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
FRANK M. DE CARLO, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
JOSEPH F. REINA, ATTORNEY
JEFFREY H. SIMME, ASS'T. BUILDING INSPECTOR
ROBERT H. LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two actions.

**IN THE MATTER OF THE SEQR REVIEW OF
SUMMERFIELD SUBDIVISION**

The Municipal Review Committee then proceeded with the Environmental Assessment on the Summerfield Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER SZYMANSKI, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
SUMMERFIELD SUBDIVISION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 44.7 acres. The location of the premises being reviewed is on the east side of Bowen Road, south of William Street.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will have a small to moderate affect on agricultural land resources.
11. The proposed action will not affect aesthetic resources.

12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not affect existing transportation systems.
15. The proposed action will have a small to moderate affect on the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s

Lucian J. Greco, Supervisor
Town of Lancaster

November 6, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED WAS ABSENT
COUNCIL MEMBER VAN NORTWICK	VOTED WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

November 6, 1995

IN THE MATTER OF THE SEQR REVIEW OF THE
TIMON ELECTRICAL CONSTRUCTION, INC.
PROPOSED REZONE AND CONDOMINIUMS - VALENCIA PARK

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Timon Electrical Construction, Inc. rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER WHITTAKER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION
TIMON ELECTRICAL CONSTRUCTION, INC.
PROPOSED REZONE AND CONDOMINIUMS - VALENCIA PARK
NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 10.6 acres. The location of the premises being reviewed is on the south side of William Street, east of Transit Road.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will have a small to moderate affect on the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will have a small to moderate affect on existing transportation systems.
15. The proposed action will have a small to moderate affect on the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____
Lucian J. Greco, Supervisor
Town of Lancaster

November 6, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED WAS ABSENT
COUNCIL MEMBER VAN NORTWICK	VOTED WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

November 6, 1995

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:20 P.M.

Robert P. Thill

Robert P. Thill, Town Clerk

Town Board Minutes

**Meeting
No. 31**

Regular Meeting

November 6, 1995

MEETINGS TO DATE 31
NO. OF REGULARS 21
NO. OF SPECIALS 10

Page 850

LANCASTER, NEW YORK
NOVEMBER 6, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 6th day of November 1995 at 7:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
JEFFREY H. SIMME, ASS'T. BUILDING INSPECTOR
JOHANNA M. COLEMAN, RECEIVER OF TAXES

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon the use of Community Development Block Grant Funds for the 1995-1996 Project Year.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

COMMENTS

Lucy Curley, grant writer for the Town of Lancaster, outlined the Town's proposed uses for the Community Development Block Grant Funds.

Donald Symer, 610 Columbia Avenue, suggested that the funds be used for Special District tax relief.

Gloria Kubicki, 15 Maple Drive, suggested that the funds be used for the purchase of a senior citizens van.

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:20 P.M.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:20 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 1996 Preliminary Budget of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS

Michael Wehner
Debbie Moessinger
David Baehre
Mary Ardino
Robert Heckl
Gloria Kubicki

ADDRESS

35 Garfield Street
1312 Ransom Road
5775 Genesee Street
162 Main Street
706 Pavement Road
15 Maple Drive

ON MOTION BY COUNCIL MEMBER GIZA, AND SECONDED BY COUNCIL MEMBER VAN NORTWICK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:40 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on October 16, 1995 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RMIN (Pl)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, P & R Casilio Enterprises, Inc., 2457 Wehrle Drive, Williamsville, New York 14221 has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit on Rotech Drive within Thruway Industrial Park, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement on Rotech Drive within Thruway Industrial Park be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 421 - Street Lights - Rotech Drive

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, RJF Development, J.V., 5653 Broadway, Lancaster, New York 14086, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Streamfield Subdivision in the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Streamfield Subdivision in the Town of Lancaster be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 413 - Street Lights - Streamfield Subdivision

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Timon Electric Construction Co., Inc., 4804 Transit Road, Depew, New York 14043, the electrical contractor for Westwood Park, has submitted Change Order No. 1 for Contract 9E in the amount of \$4,930.00 to the Town Board for its approval, and

WHEREAS, Donald Gallo, the Consulting Engineer, by letter dated October 23, 1995, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for Contract 9E to Timon Electric Construction Co., Inc. with respect to the Westwood Park Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. 1 - CONTRACT 9E:

Exterior soffit lights	\$1,592.00
Light pole at parking lot	5,540.00
Fireplace spot lights	490.00
Reduce primary cable size	(2,052.00)
Transformer pad modifications	(640.00)

COMPENSATION FOR CHANGE ORDER NO. 1, - CONTRACT 9E: \$4,930.00

NET INCREASE FOR CHANGE ORDER NO. 1 - CONTRACT 9E: \$4,930.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCHANGE.ORD (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER GIZA, TO WIT:

WHEREAS, MGR Constructors, Inc., P.O. Box 61, Bowmansville, New York 14026, the general construction contractor for Westwood Park, has submitted Change Order No. 1 for Contract 9G in the amount of \$25,535.00 to the Town Board for its approval, and

WHEREAS, Donald Gallo, the Consulting Engineer, by letter dated October 23, 1995, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for Contract 9G to MGR Constructors, Inc. with respect to the Westwood Park Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. 1 - CONTRACT 9G:

Extend masonry walls up to 6"	\$13,635.00
Paint additional 6" wall	675.00
Extend columns up to 6"	1,875.00
Delete wood beams at soffit	(1,200.00)
Insulate above sprinkler system	924.00
Steel lintels at masonry openings	5,800.00
Delete galvanized lintels	(1,900.00)
Delete galvanized angles	(895.00)
Fire rate utility room ceiling	355.00
Brace trusses at overhang	462.00
Enlarge soffit in multi-purpose room	2,916.00
Stain columns	1,313.00
Add 30 year architectural shingles	<u>1,575.00</u>

TOTAL CHANGE ORDER NO. 1, - CONTRACT 9G: \$25,535.00

NET INCREASE FOR CHANGE ORDER NO. 1 - CONTRACT 9G: \$25,535.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCHANGE.ORD (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, Allied Mechanical, Inc., 531 Virginia Street, Buffalo, New York 14202, the HVAC contractor for Westwood Park, has submitted Change Order No. 1 for Contract No. 9H in the amount of \$5,235.00 to the Town Board for its approval, and

WHEREAS, Donald Gallo, the Consulting Engineer, by letter dated October 23, 1995, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for Contract 9H to Allied Mechanical, Inc. with respect to the Westwood Park Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. 1 - CONTRACT 9H:

Boiler modifications	\$1,547.00
Heavy duty grille	447.00
Burglar bar at louver	497.00
Access hatches	700.00
Combustion/exhaust ducting	1,267.00
Fire dampers	<u>777.00</u>

TOTAL CHANGE ORDER NO. 1, - CONTRACT 9H:	\$5,235.00
--	------------

NET INCREASE FOR CHANGE ORDER NO. 1 - CONTRACT 9H:	\$5,235.00
--	------------

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCHANGE.ORD (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER POKORSKI, TO WIT:

WHEREAS, Visone Construction, Inc., 79 Sheldon Avenue, Depew, New York 14043, the plumbing contractor for Westwood Park, has submitted Change Order No. 1 for Contract No. 9P in the amount of \$15,758.00 to the Town Board for its approval, and

WHEREAS, Donald Gallo, the Consulting Engineer, by letter dated October 23, 1995, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for Contract 9P to Visone Construction, Inc. with respect to the Westwood Park Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. 1 - CONTRACT 9P:

Concession stand floor sinks	\$ 1,506.00
Sprinkler system	13,852.00
8" gate valve on water line	1,200.00
Delete restrained joints	(800.00)

TOTAL CHANGE ORDER NO. 1, - CONTRACT 9P: \$15,758.00

NET INCREASE FOR CHANGE ORDER NO. 1 - CONTRACT 9P: \$15,758.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCHANGE.ORD (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, Milherst Construction, Inc., 2601 Millersport Highway, Getzville, New York 14068, the roadway and paving contractor for Westwood Park, has submitted Change Order No. 1 for Contract No. 9R in the amount of (\$5,400.00) to the Town Board for its approval, and

WHEREAS, Donald Gallo, the Consulting Engineer, by letter dated October 23, 1995, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for Contract 9R to Milherst Construction, Inc. with respect to the Westwood Park Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. 1 - CONTRACT 9R:

Delete sealing and striping	(\$5,400.00)
TOTAL CHANGE ORDER NO. 1, - CONTRACT 9R:	(\$5,400.00)
NET DECREASE FOR CHANGE ORDER NO. 1 - CONTRACT 9R:	(\$5,400.00)

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCHANGE.ORD (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER GIZA, TO WIT:

WHEREAS, Visone Construction, Inc., 79 Sheldon Avenue, Depew, New York 14043, the contractor for Westwood Park, has submitted Change Order No. 1 for Contract No. 9SP in the amount of \$82,949.02 to the Town Board for its approval, and

WHEREAS, Donald Gallo, the Consulting Engineer, by letter dated October 23, 1995, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for Contract 9SP to Visone Construction, Inc. with respect to the Westwood Park Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. 1 - CONTRACT 9SP:

Undercut excavation and filling	\$62,644.02
Box culvert	12,000.00
Manhole and drain line	5,600.00
Additional surveying	<u>2,705.00</u>

TOTAL CHANGE ORDER NO. 1, - CONTRACT 9SP:	\$82,949.02
---	-------------

NET INCREASE FOR CHANGE ORDER NO. 1 - CONTRACT 9SP:	\$82,949.02
---	-------------

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCHANGE.ORD (P6)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, GlenHollow Associates, 5653 Broadway, Lancaster, New York 14086, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within GlenHollow Subdivision.

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 425 of GlenHollow Associates, 5653 Broadway, Lancaster, New York, for the installation of street lights.

P.I.P. No. 425 All wire, conduits, poles, lamps, lampholders,
(Street Lights) photocells, and other appurtenances required in
the installation of six (6) street lights at the
GlenHollow Subdivision Phase IIA. As per NYSEG
layout and Town of Lancaster specifications.

be and is hereby approved and the installation of the improvement requested be
and is hereby authorized.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RPIP (P12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK , TO WIT:

WHEREAS, Deloitte and Touche, by letter dated September 11, 1995,
submitted a letter proposal to the Town Board for providing certain auditing
and accounting consultation services to the Town of Lancaster for the year
ended December 31, 1995,

NOW, THEREFORE, BE IT

RESOLVED, that Deloitte and Touche, Key Bank Tower, 50 Fountain
Plaza, Buffalo, New York 14202, be and is hereby retained as the Town auditor
and accounting consultant for the year ended December 31, 1995 in an amount
not to exceed \$26,600.00, in accordance with their letter proposal dated
September 11, 1995, and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to sign the letter
proposal dated September 11, 1995.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RACCPROS

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GRECO, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER POKORSKI, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds within the Safety Inspection and Bridges Departments of the Part Town and Townwide Highway funds respectively, necessary to cover expenditures anticipated through the year ending 12/31/95.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted Part Town and Townwide Highway Budgets of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
02.3620.210 Office Furniture & Equipment	3,530.00	
02.3620.403 Printing & Advertising		500.00
02.3620.404 Travel & Meal Expense		800.00
02.3620.405 Mileage		150.00
02.3620.412 Education Expense		900.00
02.3620.442 Uniforms & Related Equip.		380.00
02.3620.446 Photo Supplies		800.00
03.5120.426 Repairs & Maintenance	2,000.00	
03.9040.804 Worker's Compensation		2,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated October 30, 1995, has requested the addition and deletion of members to the active roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions and deletion to the membership of the Twin District Volunteer Fire Company, Inc. of the following individuals:

ADDITIONS

Daniel R. Lance
522 Aurora Street
Lancaster, New York 14086

Susan K. Lance
522 Aurora Street
Lancaster, New York 14086

Paul L. Machowski
4805 Transit Road
Depew, New York 14043

David A. Sawicki Sr.
80 Williamsburg Lane
Lancaster, New York 14086

DELETION

Stephen L. Brink
4 Cidermill Court
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, the Town of Lancaster has requested New York State Electric and Gas Corporation (NYSEG) to install electricity access from its present facilities along Aurora Street to the Oxford Park Youth Center, and

WHEREAS, NYSEG has submitted an Invoice dated October 5, 1995, in the amount of \$4,742.95 to install three phase primary lateral service and four poles to provide for such access, and

WHEREAS, NYSEG has submitted memorandum dated October 5, 1995 to be signed by the Supervisor, acknowledging that the poles and underground electric service line running to the Youth Center is the property of NYSEG, to be maintained by NYSEG, and

WHEREAS, NYSEG has submitted a proposed Easement, to be signed by the Supervisor, which shall permit installation of said service, and

WHEREAS, the Town Board deems it in the public interest to pay said invoice, and to execute said Memorandum and Easement;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Supervisor is hereby authorized and directed to pay to New York State Electric and Gas Corporation the sum of \$4,742.75 in full satisfaction of its Invoice dated October 5, 1995.

2. The Supervisor is hereby authorized and directed to execute, on behalf of the Town of Lancaster, the Memorandum dated October 5, 1995, entitled, "Memorandum of Customer Ownership of Line Extension" and the proposed Easement.

3. Upon full execution, a copy of the Memorandum and Easement shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RNYSEG.N95

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, a Public Hearing was held on the 16th day of October, 1995, on the petition of TIM DAVIS, 87 Lake Avenue, Lancaster, New York 14086, the contract vendee of a parcel of land located on the north side of Genesee Street, east of Ransom Road and locally known as 6432 Genesee Street in the Town of Lancaster, New York, for the purpose of the rezone of said property from an SGA - Sand, Gravel and Aggregates District, to an AR - Agricultural Residential District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster has recommended the rezone of the hereinafter described parcel of real property, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from and SGA - Sand, Gravel and Aggregates District to an AR-Agricultural Residential District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Lots 2,4 and 6, Section 3, Township 11, Range 6 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the northeast corner of Lot 2, Section 3, Township 11, Range 6 said corner also being the northeast corner of the Town of Lancaster;

THENCE southerly along the east line of the Town of Lancaster a distance of approximately Twenty-seven Hundred Six (2706.0) feet to a point in the centerline of Genesee Street (66' wide);

THENCE southwesterly along the centerline of Genesee Street a distance of Thirteen Hundred Forty-four and 72/100 (1344.72) feet to a point in the east line of Lot 4, Section 3, Township 11, Range 6;

THENCE continuing southwesterly along the centerline of Genesee Street a distance of Eighteen Hundred Forty-six (1846.0) feet to a point;

THENCE northerly and parallel with the east line of Lot 6 a distance of Twelve Hundred Forty-six and 74/100 (1246.74) feet to a point;

THENCE easterly and parallel with the north line of Lot 6 a distance of Five Hundred Twenty-eight (528.0) feet to a point in the east line of Lot 6 which is also the west line of Lot 4;

THENCE northerly along the west line of Lot 4 a distance of Seventeen Hundred Two and 47/100 (1702.47) feet to a point in the north line of the Town of Lancaster, said point also being the northwest corner of Lot 4, Section 3, Township 11, Range 6;

THENCE easterly along the north line of Lot 4 and Lot 2 also being the north line of the Town of Lancaster a distance of Twenty-six Hundred Sixty-one and 78/100 (2661.78) feet to the point or place of beginning.

Containing 187.56 acres more or less.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 6th day of November, 1995;

3. That a Certified copy thereof be published in the Lancaster Bee on or before the 9th day of November, 1995;

4. That Affidavits of Publication of same shall be filed in the office of the Town Clerk; and

5. That a Certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
(BUFFALO TOURNAMENT CLUB)

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance and Zoning Map of the Town of Lancaster, are hereby amended and changed so that the real property hereinafter described is changed from an SGA - Sand, Gravel and Aggregates District to an AR - Agricultural Residential District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Lots 2, 4 and 6, Section 3, Township 11, Range 6 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the northeast corner of Lot 2, Section 3, Township 11, Range 6 said corner also being the northeast corner of the Town of Lancaster;

THENCE southerly along the east line of the Town of Lancaster a distance of approximately Twenty-seven Hundred Six (2706.0) feet to a point in the centerline of Genesee Street (66' wide);

THENCE southwesterly along the centerline of Genesee Street a distance of Thirteen Hundred Forty-four and 72/100 (1344.72) feet to a point in the east line of Lot 4, Section 3, Township 11, Range 6;

THENCE continuing southwesterly along the centerline of Genesee Street a distance of Eighteen Hundred Forty-six (1846.0) feet to a point;

THENCE northerly and parallel with the east line of Lot 6 a distance of Twelve Hundred Forty-six and 74/100 (1246.74) feet to a point;

THENCE easterly and parallel with the north line of Lot 6 a distance of Five Hundred Twenty-eight (528.0) feet to a point in the east line of Lot 6 which is also the west line of Lot 4;

THENCE northerly along the west line of Lot 4 a distance of Seventeen Hundred Two and 47/100 (1702.47) feet to a point in the north line of the Town of Lancaster, said point also being the northwest corner of Lot 4, Section 3, Township 11, Range 6;

THENCE easterly along the north line of Lot 4 and Lot 2 also being the north line of the Town of Lancaster a distance of Twenty-six Hundred Sixty-one and 78/100 (2661.78) feet to the point or place of beginning.

Containing 187.56 acres more or less.

November 6, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND MAP with the original thereof filed in my office at Lancaster, New York on the 6th day of November, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 6th day of November, 1995.

s/s Robert P. Thill
Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, Mr. and Mrs. William Zulatowski, 21 Pearl Street, Lancaster, New York, are the contract vendees of a parcel of property on the north side of Walden Avenue, 500+ feet east of Ransom Road, in the Town of Lancaster, and

WHEREAS, Mr. and Mrs. William Zulatowski have made an application to the Erie County Sewer District No. 4 to be an "out of district" customer and such application has been approved, subject to the following conditions:

1. The Town of Lancaster granting permission for Mr. and Mrs. William Zulatowski to become an "out of district" customer.

2. Mr. and Mrs. William Zulatowski providing the Division of Sewer Management with a deed/parcel map which would substantiate their ownership of the property.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby grants Mr. and Mrs. William Zulatowski permission to become an "out of district" customer of Erie County Sewer District No. 4, for service to be limited to their property located on the north side of Walden Avenue, 500+ feet east of Ransom Road, Town of Lancaster, subject to the following condition being satisfied:

1. Mr. and Mrs. William Zulatowski providing the Division of Sewer Management with a deed/parcel map which would substantiate their ownership of the property.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RODSWR4.N95

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, a Public Hearing was duly held on Monday, November 6, 1995,
to provide an opportunity for citizens to express community development needs,
and the proposed use of \$100,000.00 Community Development Block Grant Funds;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor of the Town of Lancaster, be and is hereby
authorized to sign, submit and execute a Contract with Erie County Community
Development Block Grant (ECCDBG) program for the following Community
Development projects upon approval of ECCDBG:

- A. Handicapped Accessibility at the Depew Library.
- B. Handicapped Accessibility at the Lancaster Library.
- C. Handicapped Accessibility at the Town of Lancaster Police
Headquarters.

2. The Town Board hereby authorizes the expenditure of \$60,000.00
to match \$100,000.00 of Community Development Block Group funding for the
beforementioned Community Development projects.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File:RECCDBG.095

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, GORDON & ZOERB ELECTRIC, has submitted a Site Plan dated October 4, 1995 for the construction of a 2nd floor office addition to its existing structure located at 420 S. Harris Hill Road, Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the site plan, and by memo dated October 26, 1995, has unanimously recommended approval, and

WHEREAS, the Town Engineer has reviewed this project with respect to SEQR and by memo dated October 18, 1995, has advised the Board that this project is a Type II Action and no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan prepared by Edgar Architects, dated October 4, 1995, and submitted on behalf of Gordon & Zoerb Electric.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

Dated November 6, 1995

File: FRSTPLNA.095.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the Transportation Industry Committee was formed to provide a foundation to promote to the New York State Legislature the need to secure funding for local transportation;

WHEREAS, the Transportation Industry Committee meets with the Senate and Assembly Transportation Committees to discuss concerns about transportation funding and to recommend alternative sources of future revenue; and

WHEREAS, the Transportation Industry Committee plans to continue meeting with senators and assemblymen to further emphasize our mission of adequate and dependable local transportation funding; and

WHEREAS, the transportation issues affect every New Yorker daily; the need for secure funding for local transportation in 1996-97 and beyond is immense; and

WHEREAS, local governments are responsible for 9,000 bridges and 95,000 miles of road (85% of New York State roads); and

WHEREAS, the Consolidated Highway Improvement Program (CHIPS) ends in 1996;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster, New York, goes on record strongly supporting the Transportation Industry Committee's efforts promoting to the New York State Legislature the need for secure and adequate funding for local transportation; and

2. That the Town Clerk is hereby directed to furnish a certified of this resolution to Mr. Richard J. Brown, Executive Secretary-Treasurer, NYS Association of Town Superintendent's of Highways, Inc., 4292 Crains Mills Road, Truxton, NY 13158, for distribution to Governor Pataki and appropriate members of the New York State Legislature.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, Woodgate Associates, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Woodgate Subdivision, Phase IIB.

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 426, 427 and 428 of Woodgate Associates, 2730 Transit Road, West Seneca, New York 14224, for the installation of:

P.I.P. No. 426 (Water Line)	Map Cover # 2610 - Lots 20-41 and 80-88 1550'± 8" CL900 PVC waterline; hydrants and associated appurtenances per engineering plans by Pratt & Huth Associates Job #91069.
P.I.P. No. 427 (Pavement & Curbs)	Map Cover # 2610 - Lots 20-41 and 80-88 1450'± roadway; 24" upright curbing including 6" HDPE underdrain, per engineering plans by Pratt & Huth Associates Job # 91069.
P.I.P. No. 428 (Storm Sewer)	Map Cover #2610 - Lots 20-41 and 80-88 1305'± 6" backyard drain; 850'± 12" HDPE; 155'± 15" HDPE receivers and manholes and associated appurtenances per engineering plans by Pratt & Huth Associates Job # 91069.

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RPIP (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 4804 to Claim No. 5107 Inclusive

Total amount hereby authorized to be paid: **\$834,048.70**

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

WHEREAS, Thomas D. Trigilio, 4993 Eastbrooke Place, Williamsville, New York 14221, the Lessee of real property situate at 5375 Genesee Street, Bowmansville, New York, has submitted an application for a Special Use Permit for buying, selling and servicing used cars on premises locally known as 5375 Genesee Street in the Town of Lancaster, pursuant to provisions of Chapter 50-Zoning of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 46 (c) entitled "Special Use Permit", of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for buying, selling and servicing of used cars, located on the southwest corner of Harris Hill Road and Genesee Street and locally known as 5375 Genesee Street, Bowmansville, in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of November, 1995, at 8:10 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 5-Zoning, Section 50-46, "Special Use Permits" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of November, 1995, the said Town Board will hold a Public Hearing on the 20th day of November, 1995, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application for a Special Use Permit for buying, selling and servicing of used cars (Master Motors, Inc.), conducted on premises located on the southwest corner of Harris Hill Road and Genesee Street and locally known as 5375 Genesee Street, Town of Lancaster, County of Erie and State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

November 6, 1995

**THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER VAN NORTWICK
TO WIT:**

WHEREAS, the Town Board of the Town of Lancaster (hereinafter the "Town Board") has received a petition from Tops Markets, Inc., (hereinafter "Tops") for the construction of a Food Distribution Facility (hereinafter the "Facility") to be constructed on premises locally known as 5873 Genesee Street (the "Project"), in the Town of Lancaster; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), the Town Board, as Lead Agency, designated the construction of the Facility a Type I action and ordered the preparation of a Draft Environmental Impact Statement ("DEIS"); and

WHEREAS, as part of the considerations in the SEQRA process the Town Board, the Planning Board and the public were made aware of the proposed site layout; and

WHEREAS, Tops has submitted an application for a Site Plan approval for the Facility in accordance with § 50-43 of the Town Zoning Code; and

WHEREAS, the Planning Board after fully reviewing the site plan and its environmental impacts, previously recommended approval of the site plan, with conditions, at its September 20, 1995 meeting, and issued a written report recommending approval; and

WHEREAS, the question has been raised as to whether the Erie County Department of Environment and Planning ("ECDEP") had conducted its review of the site plan prior to the Planning Board's recommendation and Town Board's approval of the site plan; and

WHEREAS, the Town Board does not wish to unnecessarily waste time and taxpayer's money in arguments over procedural matters; and

WHEREAS, the Town Board has considered the application of Tops for Site Plan approval, the information gathered in the SEQRA process including the DEIS, the Final Environmental Impact Statement ("FEIS") and Statement of Findings, and conducted its own review of the environmental impacts from the Project; and

WHEREAS, on October 17, 1995 a formal submittal was made to the ECDEP, which completed its review on October 26, 1995 and issued a report of no recommendation due to the local nature of the site plan; and

WHEREAS, on November 1, 1995 the Planning Board reconsidered the proposed site plan and again recommended that the Town Board approve the site plan with certain conditions, as stated in the attached report from the Planning Board, which report is made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Lancaster as follows:

1. The Town Board finds that:

a. The site plan is consistent with the development plan for the Project and the Town's general plan for development;

b. The site plan is consistent with the objectives of the Zoning Ordinance;

c. Adequate services and utilities are available to service the development of the proposed site plan; and

d. The site plan is consistent with all applicable and governing laws.

2. The Town Board, based on its review and hard look at the environmental impacts of the Project, has determined that the requirements of SEQRA are complete, and hereby, for the purposes of approving the site plan, confirms, ratifies and adopts the Findings Statement previously adopted in connection with the rezoning for the Tops Food Distribution Facility.

3. Pursuant to §§ 50-43(C) of the Town Code, the Town Board of the Town of Lancaster does hereby approve the site plan for the Food Distribution Facility to be constructed by Tops Markets, Inc., at 5873 Genesee Street in the Town of Lancaster, for the reasons stated in the attached report of the Planning Board, with the conditions stated therein, which report is made a part of this resolution.

The question of the adoption of the following resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

DATE: November 1, 1995
TO: The Honorable Town Board
FROM: Lancaster Town Planning Board
RE: Tops Market, Inc.
PROJECT: #95706

Page 882

NAME/LOCATION: Tops Market, Inc.
Distribution Center
Genesee Street, near Gunnville Road

TYPE: Site Plan

FINDINGS: The standards set forth in Section 50-43-C-4 of the Town Code have been met.

RECOMMENDATION: Unanimous Approval

CONDITIONS:

1. Berms as shown on the site plan shall be a minimum of five (5) feet, and berms on all sides shall have greater diversity in plantings to shield the parking areas. Screening must be maintained including balance of berm. Screening issues will continue to be discussed as the development progresses to the end that inconvenience and annoyance to neighboring residents is minimized.
2. Height of light standards to be re-addressed by qualified lighting engineer with special emphasis around perimeter. Lighting issues will continue to be discussed as

Honorable Town Board
November 1, 1995
Page 2

the development progresses to the end that inconvenience and annoyance to neighboring residents is minimized.

3. Tops agrees to establish an operations and maintenance plan and agrees to monitor, maintain and adjust the storm water management facilities as required to continue existing water-quality and water-quantity conditions.
4. Before a building permit for construction of the warehouse building is granted, Tops Markets, Inc. must apply for and be granted a special use permit allowing the height of building to exceed thirty (30) feet.
5. The building exterior is to have a gray/sandstone color.
6. Tops Markets, Inc. is to submit a letter acknowledging that there is no area on the site designated for dumpsters.

COMMENTS: It should be noted that all pertinent data regarding this project has been copied to members of the Planning Board and ample time was provided to respond and discuss. Particular reference is made to the draft and final Environmental Impact Statement per 6 NYCRR Part 617 of SEQRA, and the Statement of Findings, which the Planning Board members have reviewed and considered prior to making their decision.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GIZA, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated November 1, 1995, has requested the addition of the following member to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department, Inc. of the following individual:

ADDITION

Danny Fliss
14 Oakwood Place
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

WHEREAS, LOVE JOY GOSPEL CHURCH, 1050 Walden Avenue, Buffalo, New York, the contract vendee of a parcel of land located on the south side of Genesee Street, east of Harris Hill Road and locally known as 5423 Genesee Street in the Town of Lancaster, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of 300 feet depth from an RCO Residential Commercial Office District to an R1-Residential District One, and

WHEREAS, the petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of November, 1995, at 8:20 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town; and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
(LOVE JOY GOSPEL CHURCH)

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of November, 1995, the said Town Board will hold a Public Hearing on the 16th day of October, 1995, at 8:20 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from an RCO-Residential Commercial Office District to an R1-Residential District One:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Lot 3, Section 12, Township 11, and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the former southerly line of Genesee Street, at its intersection with a line which is parallel to the easterly line of Harris Hill Road and distant 946.54 feet easterly at right angles therefrom;

THENCE southerly along said parallel line 290.29 feet to a point;

THENCE easterly at an angle parallel to the southerly line of Genesee Street, 366.81 feet to a point;

THENCE northerly along a line parallel to the east line of Harris Hill Road 272.05 feet to a point in the former southerly line of Genesee Street;

THENCE westerly along said former street line to a point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: November 6, 1995

FRREZHL.095

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
(LOVE JOY GOSPEL CHURCH)

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of November, 1995, the said Town Board will hold a Public Hearing on the 20th day of November, 1995, at 8:20 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from an RCO-Residential Commercial Office District to an R1-Residential District One:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Lot 3, Section 12, Township 11, and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the former southerly line of Genesee Street, at its intersection with a line which is parallel to the easterly line of Harris Hill Road and distant 946.54 feet easterly at right angles therefrom;

THENCE southerly along said parallel line 290.29 feet to a point;

THENCE easterly at an angle parallel to the southerly line of Genesee Street, 366.81 feet to a point;

THENCE northerly along a line parallel to the east line of Harris Hill Road 272.05 feet to a point in the former southerly line of Genesee Street;

THENCE westerly along said former street line to a point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: November 6, 1995

FRREZHL.095

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER GIZA TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
3027		Jeff Jozwiak	124 Brunck Rd	Er. Pole Barn
3028		Renaissance Homes Inc	40 Hill Valley Dr	Er. Sin. Dwlg
3029		Patrick Development of WNY	2655 Wehrle Dr	Er. Day Care
3030		Joseph R Cristina	14 Ronald Dr	Er. Shed
3031		Siltone Building Co Inc	297 Enchanted Fst N	Er. Sin. Dwlg
3032		Peter Prokop	1712 Como Park Blvd	Er. Dbl. Dwlg
3033		Anthony Stapleton	5148 William St	Er. Fence
3034		Mark Antonio	364 Lake Ave	Er. Shed
3035		Al Mularski	12 Broadmoor Ct	Er. Fence/Deck
3036		Thomas Keicher	1218 Penora St	Er. Shed
3037		Creative Fence	8 Riemers Ave	Er. Fence/Deck
3038	(CSW)	Joanne Williams	6384 Broadway	Ex. Dbl. Dwlg
3039		Stratford Homes Inc	14 Michael Anthony	Er. Sin. Dwlg
3040		Capretto Enterprises	10 Dorchester Ct	Er. Sin. Dwlg
3041		Sue Souter	262 Miller Ave	Ex. Fam. Rm/Er. Fireplace
3042		Ken Anderhalt	0 William St	Er. Temp. Sign
3043		Carl Burck	222 Stony Rd	Er. Patio Room
3044		Mr & Mrs Szczechowiak	278 Warner Rd	Ext. Sin. Dwlg
3045		Gregory S Strauss	57 Southpoint Dr	Er. Shed
3046		Stratford Homes Inc	18 Michael Anthony	Er. Sin. Dwlg
3047	(SW)	Kevin Neumaier	340 Pleasant View Dr	Er. Sin. Dwlg
3048		Wine & Liquor Station	4779 Transit Rd	Er. Temp. Sign
3049		Paul Biddlecombe	525 Pleasant View Dr	Er. Garage
3050		Santoro Signs Inc	6643 Transit Rd	Er. Signs
3051		Glenridge Village Condo	0 Olde Stone Ln Bldg. A	Er. Covered Porch
3052		Iona Associates Inc	295 Enchanted Fst N	Er. Sin. Dwlg
3053		Decks Unlimited Const	15 Stony Brook Dr	Er. Deck
3054		Decks Unlimited	36 Whitestone Ln	Er. Deck

3055	Bainbridge Crew	38 Parkdale Dr	Ex. Sin. Dwlg
3056	Gordon& Zoerb Electric	420 Harris Hill Rd	Ex. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, a Public Hearing was held on the 2nd day of October, 1995, on the Petition of TIMON ELECTRICAL CONSTRUCTION, INC., 4894 Transit Road, Depew, New York, the contract vendee of a parcel of land on the south side of William Street, east of Transit Road, in the Town of Lancaster, for the purpose of the rezone of said property from an R1-Residential District One, to an MFR-3 Multi-family District Three, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster has recommended the rezone of the hereinafter described parcel of real property, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an R1-Residential District One to an MFR-3 - Multi-family District Three:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, and being part of Lot 95, Township 10, Range 6 more particularly bound and described as follows:

BEGINNING at a point on the northerly line of Lot 95, being the center line of William Street, at a distance of 1613.54' feet east of the northwest corner of Lot 95 further described as being the center line of Transit Road;

THENCE easterly along said northerly line of Lot 95 and the center line of William Street, a distance of 220.00 feet to a point, said point being the northwest corner of lands conveyed by H.Mueller by Liber 10291, Page 540;

THENCE southerly along the east line of said Mueller conveyance and parallel to the west line of Lot 95 which is the center line of Transit Road, a distance of 225.00' feet to a point;

THENCE easterly and parallel to the north line of Lot 95 a Distance of 197.88; feet to a point;

THENCE northerly and parallel to the west line of Lot 95 a distance of 225.00' feet to the point on the north line of Lot 95, said point also being the center line of William Street;

THENCE easterly along said northerly line of Lot 95 and the center line of William Street a distance 80.00' feet to a point;

THENCE southerly along the west line of a proposed right of way (paper street) and parallel to the west line of Lot 95 which is also the center line of Transit Road, a distance of 1021.53' feet to a point;

THENCE westerly and parallel to the south line of lot 95 a distance of 497.90' feet to a point, said point being the east line of the Eastwood Village South;

THENCE northerly and parallel to the west line of Lot 95 and along the easterly line of said Eastwood Village, a distance of 1023.0' feet to the point of beginning, containing 10.66 acres, more or less, and subject to all easements, restrictions, and rights of way of record.

2. That said Ordinance Amendment be added in the minutes of the Meeting of the Town Board of the Town of Lancaster held on the 6th day of November, 1995;

3. That a certified copy thereof be published in the Lancaster Bee on or before the 9th day of November, 1995;

4. That Affidavits of Publication of same shall be filed in the office of the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
(TIMON ELECTRIC-VALENCIA PARK)

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance and Zoning Map or the Town of Lancaster, are hereby amended and changed so that the real property hereinafter described is changed an R1-Residential District One to an MFR-3 - Multi-family District Three:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster County of Erie, and State of New York, and being part of Lot 95, Township 10, Range 6 more particularly bound and described as follows:

BEGINNING at a point on the northerly line of Lot 95, being the center line of William Street, at a distance of 1613.54' feet east of the northwest corner of Lot 95 further described as being the center line of Transit Road;

THENCE easterly along said northerly line of Lot 95 and the center line of William Street, a distance of 220.00 feet to a point, said point being the northwest corner of lands conveyed by H.Mueller by Liber 10291, Page 540;

THENCE southerly along the east line of said Mueller conveyance and parallel to the west line of Lot 95 which is the center line of Transit Road, a distance of 225.00' feet to a point;

THENCE easterly and parallel to the north line of Lot 95 a Distance of 197.88; feet to a point;

THENCE northerly and parallel to the west line of Lot 95 a distance of 225.00' feet to the point on the north line of Lot 95, said point also being the center line of William Street;

THENCE easterly along said northerly line of Lot 95 and the center line of William Street a distance 80.00' feet to a point;

THENCE southerly along the west line of a proposed right of way (paper street) and parallel to the west line of Lot 95 which is also the center line of Transit Road, a distance of 1021.53' feet to a point;

THENCE westerly and parallel to the south line of lot 95 a distance of 497.90' feet to a point, said point being the east line of the Eastwood Village South;

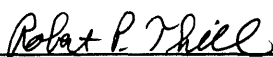
THENCE northerly and parallel to the west line of Lot 95 and along the easterly line of said Eastwood Village, a distance of 1023.0' feet to the point of beginning, containing 10.66 acres, more or less, and subject to all easements, restrictions, and rights of way of record.

November 6, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT OF ZONING ORDINANCE AND ZONING MAP with the original thereof filed in my office at Lancaster, New York, on the 6th day of November, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 6th day of November, 1995.


Robert P. Thill, Town Clerk

Council Member VanNortwick requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing New 1996 Police Patrol Vehicles in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were opened on November 2, 1995, and

WHEREAS, DeLACY FORD, INC., has submitted the lowest bid in conformance with specifications for five (5) 1995 Police Patrol Vehicles for a total amount of \$97,170.00.

WHEREAS, the Chief of Police of the Town of Lancaster has recommended the purchase of the beforementioned vehicles, pursuant to specifications on file in the Town Clerk's Office;

NOW, THEREFORE, BE IT

RESOLVED,

1. That the bid of DeLacy Ford., Inc., 3061 Transit Road, Elma, New York 14059, for five (5) 1996 Police Patrol Vehicles pursuant to Specifications on file in the Town Clerk's office, at a cost of \$19,434.00 per unit, for a total cost of \$97,170.00. be and is hereby accepted; and

2. That an order for such automobiles is hereby authorized to be placed by the Chief of Police.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

Supervisor Greco requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER VAN NORTWICK,
TO WIT:

WHEREAS, the Town of Lancaster has been sued by various residents of the Town seeking to annul the Town Board's action approving the zoning change for Tops Markets, Inc., and seeking to annul the Town Board's action adopting the Town's 1989 Zoning Ordinance, and

WHEREAS, the Town Attorney has recommended that the Town retain the services of private counsel to represent the Town, and

WHEREAS, the Town Attorney has recommended that the Town retain the law firm of Hiscock & Barclay, which firm in his opinion has the experience and expertise to properly represent the Town, and that the Town should have its own independent counsel to advise it throughout, and

WHEREAS, the Town Board feels that the litigation will be complex and time-consuming in the preparation of the Town defense, preparation of memoranda of law and court appearances, and

WHEREAS, the Town Board feels, that under these circumstances, the protection of the interests of all town residents would be better served by retaining a private law firm which is experienced in such matters;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The firm of Hiscock & Barclay are hereby retained to represent the Town in an action commenced in the Supreme Court, County of Erie, entitled: Eric Joseph, et al vs. Town of Lancaster, et al (Index #I 1995-8469).

2. The Supervisor is hereby authorized to execute on behalf of the Town, the Retainer Letter submitted by Hiscock & Barclay, and upon execution thereof, a duplicate original shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

November 6, 1995

COMMUNICATIONSDISPOSITION

686. Town Clerk to Town Board - Transmittal of Special Use Permit Application of Mater Motors of Buffalo, Inc.	TOWN ATTORNEY
687. Charles/Jackie Morgante to Building Inspector - Request response to concerns re: greenhouse situate at 135 Pleasant View Dr.	R & F
688. Deputy State Comptroller to Town Clerk - Transmittal of Report of Examination.	R & F
689. The Joseph J. Naples Companies to Supervisor - Authorizing payment of invoices for renewal of Town's Business Auto Policy for period 7/19-95 to 7/19/96.	R & F
690. The Joseph J. Naples Companies to Supervisor - Notice of need for correction in Schedule of Primary Insurances.	R & F
691. Police Chief to Nussbaumer & Clarke, Inc. Notice of opposition to subdivision and street name change re: Summerfield Subdivision.	PLANNING COMMITTEE
692. NYSDEC to Tops Market - Notice of complete application re: permits for Tops Distribution Center.	R & F
693. Police Capt. Suchyna to Town Board - Request consideration for position of Assistant Police Chief.	PUBLIC SAFETY COMMITTEE
694. Town Engineer to Town Board - Request acceptance of street lighting public improvement within Streamfield Subdivision.	R & F
695. Elizabeth Radder, 18 Pleasant View Dr., to Supervisor - Request "SCHOOL ZONE, REDUCE SPEED" sign on Pleasant View Dr., near Transit Rd.	PUBLIC SAFETY COMMITTEE
696. Robert Wohlgenuth, 11849 Genesee St., to Town Board Complaints of unsafe road conditions on Genesee St. near the Tops Distribution Center project.	HIGHWAY COMMITTEE
697. ECSD No. 4 to Supervisor - Comments re: Negative Declaration pertaining to ECSD No. 4 Depew Pumping Station, Overflow Retention Facility modifications and forcemain and air relief valves.	PLANNING COMMITTEE
698. Town Attorney to County Dir. of Envir. and Planning Request designation of lead agency re: proposed rezone petition of Love Joy Gospel Church.	PLANNING COMMITTEE
699. Town Attorney to County Dir. of Envir. and Planning Request designation of lead agency re: proposed rezone petition of Timon Electrical Construction.	R & F
700. NYSDOT to Town attorney - Notification of traffic engineering study being initiated re: left green arrow request for Genesee St. @ Harris Hill Rd.	PUBLIC SAFETY COMMITTEE HIGHWAY COMMITTEE
701. Assessor to County of Erie - Notification of mistakes rectified re: Lancaster IDA agreements.	R & F
702. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney - Transmittal of variance petitions for meeting to be held 11/09/95.	R & F

COMMUNICATIONSDISPOSITION

703. Gar Associates to Town Clerk - Offer of government assessment service and out-sourcing of personnel.	R & F
704. Town Clerk to Media - Notice of SEQR meeting to be held 11/06/95 re: Summerfield Subdivision and Timon Electrical Construction rezone petition.	R & F
705. Town Clerk to Town Board - Transmittal of renewal application of Advantage Trucks & Salvage Inc. for 1996 license to conduct a salvage yard.	TOWN ATTORNEY
706. Lancaster Women's Civic Club to Town Board - Request use of table in first floor of Town Hall on day of Christmas Walk (11/19/95).	RECREATION DEPT.
707. Planning Board to Town Board - Recommend approval of Como Park Condominiums rezone petition, with a condition.	PLANNING COMMITTEE
708. Planning Board to Town Board - Recommend approve of Love Joy Gospel Church rezone petition and site plan, with conditions.	PLANNING COMMITTEE
709. Planning Board to Town Board - Recommend unconditional approval of Gordon & Zoerb Electric site plan.	R & F
710. Planning Board to Town Board - Recommend unconditional approval of Transit/Wehrle Plaza site plan.	PLANNING COMMITTEE
711. Planning Board to Town Board - Recommend approval, with conditions, of Master Motors, Inc. site plan.	PLANNING COMMITTEE
712. Planning Board to Town Board - Minutes from meeting held 10/18/95.	R & F
713. NYSDOT to Town Attorney - Notification that NYSDOT Highway Work Permit will be required for any work within the State Highway right-of-way re: Love Joy Gospel Church project.	PLANNING COMMITTEE
714. County Div. of Highways to Town Attorney - Notification that NYSDOT has jurisdiction over intersection of Harris Hill Rd. and Genesee St.	PUBLIC SAFETY COMMITTEE HIGHWAY COMMITTEE
715. County Div. of Highways to Town Attorney - Response to resolutions asking for traffic studies for William St. and Lake Ave./Aurora St.	PUBLIC SAFETY COMMITTEE
716. County Health Dept. to Town Board - Transmittal of Approval of Completed Works for public water supply improvement for Westwood Park.	PLANNING COMMITTEE
717. ECDEP to Town Clerk and Building Inspector - Positive response to site plan review of Tops Food Distribution Facility.	R & F
718. Erie County Board of Elections Commissioner to Town Clerk - Transmittal of Enrollment by District printout.	R & F
719. A. Zeitler to Depew Village Board - Request traffic control marking of double yellow lines be put on Columbia Ave.	PUBLIC SAFETY COMMITTEE

COMMUNICATIONSDISPOSITION

720. UCPA to Supervisor - Notification of intent to purchase home on premises situate at 3650 Walden Ave.	R & F
721. Lancaster H.S. Student Union to Town Board - Letter of appreciation for permission for allowing annual Lancaster/Depew motorcade to travel through Town.	PLANNING COMMITTEE
722. NYSDOT to Town Attorney - Comments regarding SEQR Review of Como Village Rezone Petition.	TOWN ATTORNEY
723. Town Clerk to Town Board - Transmittal of application of 1996 License to Conduct a Salvage Yard from J. Renkas.	TOWN ATTORNEY
724. Town Clerk to Town Board - Transmittal of application of 1996 License to Conduct a Salvage Yard from Ransom Auto Parts.	TOWN ATTORNEY
725. Police Chief to Supervisor and Town Board - Notification that he will not accept final plat plan for Fairway Hills Subdivision Phase I.	PLANNING COMMITTEE
726. Donald Gallo to Donald Kwak - Transmittal of six copies of Change Orders that he recommends for approval.	R & F
727. NYSDOT to Town Attorney - Comments regarding SEQR Review of Transit-Wehrle Retail Center.	PLANNING COMMITTEE
728. Town Engineer to Town Clerk - Transmittal of P.I.P. applications for Woodgate Subdivision Phase IIB.	TOWN ATTORNEY PLANNING COMMITTEE
729. Town Assessor to Town Board - Transmittal of results of consolidation meeting with Village of Depew Assessors Office.	R & F
730. Town Clerk to Town Board - Notification of expiration of contract with Erie County Water Authority - Lease Management of Lancaster Consolidated Water District.	TOWN ATTORNEY
731. Capretto Homes to Town Clerk - Request for refund of building permit application for 10 Dorchester Court.	BUILDING INSPECTOR
732. Bernadette Casper to Town Board - Summary of current status regarding Hunter's Creek North Subdivision.	TOWN ENGINEER PLANNING COMMITTEE
733. Town Line Vol. Fire Dept. to Town Board - Requests addition of new member to active roster.	R & F
734. Town Engineer to Town Board - Recommend acceptance of water line, pavement and curbs, and storm sewer public improvement permits for GlenHollow Subdivision, Phase IIB.	PLANNING COMMITTEE
735. Planning Board to Town Board - Minutes from meeting held 1/1/95.	R & F
736. Town Clerk to Supervisor Town Clerk's Monthly Report for October, 1995.	R & F
737. NYSDOT to Town Attorney - Comments regarding Como Village Condominiums.	PLANNING COMMITTEE

PERSONS ADDRESSING TOWN BOARD:

Palmieri, Kandy, 5815 Genesee Street, spoke to the Town Board on the following matter:

Read a prepared statement expressing her utter disgust with most members of the Town Board.

Zichittella, Robert, 53 Country Place, spoke to the Town Board on the following matter:

Preservation of a conservation area behind his home.

Farrell, Joyce, 467 Pleasant View Drive, spoke to the Town Board on the following matter:

Erection of the new speed limit signs on Pleasant View Drive.

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matter:

Expressed sorrow at having to be part of a suit against the Town of Lancaster on the Top's rezone matter but felt it was the only course of action left to her.

Espinosa, George, 155 Pleasant View Drive, spoke to the Town Board on the following matters:

The purchase of land by Top's Market on Stony Road and Transit Road. Truck traffic on Pleasant View Drive.

Jankowiak, Mark, 1318 Ransom Road, spoke to the Town Board on the following matter:

Asked various questions about Top's building permit issuance and fee.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

Asked various questions about Top's building permit issuance and fee.

Braun, Elsie, 5984 Genesee Street, spoke to the Town Board on the following matter:

Complained of mud on Genesee Street caused by trucks entering and leaving the Tops's Market Distribution Center construction site.

Benklemen, Marie, 681 Pleasant View Drive, spoke to the Town Board on the following matter:

Weight limits on Pleasant View Drive.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

Traffic control at the Top's construction site.
Grubbing and site preparation work at the Top's construction site.

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:40 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk